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October 31, 2023

**VIA ECF**

Honorable James K. Bredar  
Chief District Judge  
United States Courthouse  
101 West Lombard Street  
Baltimore MD 21201

Re: *United States v. Ron Elfenbein*  
Criminal No. JKB-22-0146

Dear Chief Judge Bredar:

The above matter is scheduled for sentencing before Your Honor on December 14, beginning at 10:00 a.m. Pursuant to Local Rule 105.6, the purpose of this letter is to respectfully request oral argument on Defendant's Motion for Judgment of Acquittal or, in the alternative, for a New Trial on an earlier date convenient with the Court's and the parties' schedules.

We are pleased to report that the parties have reached agreement on a number of guideline issues that we hope will streamline the sentencing proceeding in the event the defendant's motion is denied; however, we anticipate a lengthy sentencing hearing to consider other Guideline issues and information that will be presented to assist the Court in arriving at an appropriate sentence that considers all of the Section 3553 factors.

As the Court is aware, the defendant has submitted a detailed, substantive motion for judgment of acquittal or, in the alternative, for a new trial. Given the significant issues raised in the motion, as well as the issues for consideration at sentencing, we believe it would make more sense to conduct these two proceedings separately to allow the parties a full opportunity to present their respective positions. We acknowledge the Court's busy calendar, but we hope that the Court agrees with this suggested approach, and if so, can schedule a hearing.

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Thank you for your consideration.

Respectfully submitted,

*/s/ Gregg L. Bernstein*

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cc (via ECF): Matthew P. Phelps, AUSA  
D. Keith Clouser, Trial Attorney